

1 Plaintiffs filed a status report on September 9, 2021 indicating that Plaintiffs' counsel
2 "continues to suffer from serious health problems" and requesting that the case be stayed pending
3 resolution of the appeals in *Taamneh v. Twitter, et al.*, No. 18-17192, *Gonzalez v. Twitter, et al.*,
4 No. 18-16700, and *Clayborn v. Twitter, et al.*, No. 19-15043. Plaintiffs' Status Report (Dkt. 28).
5 Defendant Google LLC ("Google") is certainly sympathetic to counsel's health concerns and has
6 no objection to an appropriate extension of Plaintiffs' deadline for responding to Google's motion
7 to dismiss the First Amended Complaint, which is currently due on September 13. However,
8 Google opposes the open-ended stay that Plaintiffs now seek, especially insofar as that new request
9 is based not on health concerns but on the outcome of rehearing petitions in unrelated Ninth Circuit
10 cases.

11 Plaintiff's complaint in this action was filed on January 25, 2021 (Dkt. 1), and Google
12 moved to dismiss that complaint on April 22, 2021 (Dkt. 14). Rather than respond to Google's
13 motion, Plaintiffs filed an amended complaint on June 11, 2021 (Dkt. 19), which Google moved
14 to dismiss on July 13, 2021 (Dkt. 23). The parties jointly stipulated to extend the deadline for
15 Plaintiffs' opposition to Google's motion to September 13, 2021. On August 6, 2021, Plaintiffs
16 filed a motion requesting "postponement of all conferences, hearings, and trial dates, as well as
17 [extension of] deadlines for discovery and all other pre-trial deadlines" because of counsel's
18 "serious medical problems." Dkt. 26. On August 11, 2021, the Court granted that motion and
19 stayed the case for 30 days, ordering Plaintiffs to file a status report by September 10, 2021. Dkt.
20 27. The Court further instructed: "If Plaintiffs find it necessary to request a further stay of the case,
21 they may file a stipulated request for further stay with agreement of Defendant or, if that is not
22 possible, a motion for further stay." *Id.*

23 Plaintiffs did not reach out to Google to seek agreement for a further stay. Nor did they file
24 a motion seeking a further stay. Instead, on September 9, 2021, they filed a "Status Report" that
25 requested the Court "to grant a continuance to the current postponement of all conferences,
26 hearings, and trial dates, as well as extend deadlines for discovery and all other pre-trial deadlines
27 until after *Taamneh v. Twitter, et al.*, No. 18-17192, *Gonzalez v. Twitter, et al.*, No. 18-16700, and
28 *Clayborn v. Twitter, et al.*, No. 19-15043 have been decided." Plaintiffs' Status Report (Dkt. 28).

1 This was the first that Google had heard of any request to stay this case pending disposition of
2 those Ninth Circuit cases.

3 Had Plaintiffs requested a stipulation, Google would have agreed to a 30-day extension of
4 Plaintiffs' deadline to respond to the pending motion to dismiss, and Google remains open to
5 further appropriate extensions as needed based on counsel's health issues. But Google objects to
6 an open-ended stay of the briefing schedule for Google's motion to dismiss—especially insofar as
7 that request is based not on health issues but on the three Ninth Circuit cases referenced in
8 Plaintiffs' Status Report. Indeed, those cases have already been decided by the Ninth Circuit: they
9 were resolved in a single opinion on June 22, 2021. *Gonzalez v. Google LLC*, 2 F.4th 871 (9th Cir.
10 2021). While both parties have filed rehearing petitions, which are pending, Plaintiffs have not
11 explained why this case should be stayed on that basis, much less filed a proper motion for a stay.
12 Moreover, an open-ended stay would substantially delay consideration of Google's motion to
13 dismiss, which is highly unlikely to be affected in any material way by the pending rehearing
14 petitions, while bringing no meaningful benefit to either the parties or the Court.

15 For these reasons, Google respectfully requests that the Court deny Plaintiffs' request for
16 an open-ended continuance or stay, but instead extend Plaintiffs' deadline for responding to
17 Google's motion to dismiss by 30 days.

18
19 Respectfully submitted

20 Dated: September 10, 2021

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